

Application No. 09/990,899
 Amendment filed August 26, 2004
 Reply to Office Action of May 26, 2004

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 AUG 26 2004

Attorney's Docket No.: 42390P12481

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)
 Bryant E. Bigbee)
 U.S. Serial No: 09/990,899)
 Filed: November 16, 2001)
 For: APPARATUS AND METHOD TO)
 IDENTIFY THE MAXIMUM)
OPERATING FREQUENCY OF A PROCESSOR)
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Examiner: Perveen, Rehana
 Art Unit: 2116

AMENDMENT AND RESPONSE

Dear Madam:

In response to the Office Action mailed May 26, 2004, please enter the following amendments and consider the following remarks. Amendments begin on page 2 of this paper. Remarks begin on page 8 of this paper.

CERTIFICATE OF TRANSMISSION

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 Date of Transmission: August 26, 2004

Claire Wallters

(Typed or printed name of person transmitting paper)

Claire Wallters 8/26/2004

(Signature of person transmitting paper)

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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TELEPHONE (408) 720-8300

FACSIMILE (408) 720-8383

BSTZ MAIL@BSTZ.COM
WWW.BSTZ.COM

INTELLECTUAL PROPERTY LAW

1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

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Deliver To: Examiner Rehana Perveen
Firm Name: U.S. PATENT TRADEMARK OFFICE
Fax Number: 703-872-9306 **Telephone No.:** 703-305-3900
From: Richard W. Thill **Reg. No.:** 53,686
Date: August 26, 2004 **Time:**
BSTZ Matter No. 42390P12481 **Number of pages including cover sheet:** 24
In Re Patent Application of: Bryant E. Bigbec
Application No.: 09/990,899
Filed: November 16, 2001

Title: APPARATUS AND METHOD TO IDENTIFY THE MAXIMUM OPERATING FREQUENCY OF A
PROCESSOR

Enclosed are the following documents:

X Amendment/Response (17 pgs)	Declaration & P of A (pgs)	Reply Brief (pgs)
Appeal Brief (pgs) (in triplicate)	Drawings: # of sheets w/ figs.	Small Entity Statement
Utility Application (pgs)	Month Petition re Ext. of Time)	Resp. to Notice of Missing Parts (pgs)
1.53(b) Cont. Application (pgs)	IDS & PTO 1449 (pgs)	X Transmittal Letter (1 pgs) (in duplicate)
1.53(b) Divisional Application (pgs)	Issue Fee Transmittal (pgs)	X Fee Transmittal (2 pgs) (in duplicate)
1.53(b) CIP Application (pgs)	Notice of Appeal (pgs)	Deposit Account Authorization
1.53(d) RCA Transmittal (pgs)	Petition re (pgs)	Other:
PCT Application (pgs)	Power of Attorney (pgs)	Other:
Provisional Application (pgs)	Declaration by Inventor(s) (pgs)	Other:
Assignment & Cover Sheet (pgs)	Supplemental Declaration (pgs)	Other:
X Certificate of Transmission by Fax	Preliminary Amendment (pgs)	Other:

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PATENTAMENDMENT TRANSMITTAL

Application No.: 09/990,899
 Filing Date: November 16, 2001
 First Named Inventor Bryant E. Bigbee
 Examiner's Name: Perveen, Rehana
 Art Unit: 2116
 Attorney Docket No.: 42390P12481

An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.

Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.

Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

Preliminary Amendment

Amendment/Response with respect to Office Action

Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)

Notice of Appeal

RCE (Request for Continued Examination)

Supplemental Declaration

Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)

Information Disclosure Statement (IDS)

Copies of IDS citations

Petition for Extension of Time

Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)

Cross-Reference to Related Application(s)

Certified Copy of Priority Document

Other: _____

Other: _____

Check(s)

Certificate of Transmission by Fax

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TYPED OR PRINTED NAME: Richard W. Thill, Reg. No. 53,686

SIGNATURE: 

DATE: 8/26/04

ADDRESS: 12400 Wilshire Boulevard, Seventh Floor

Los Angeles, California 90025

TELEPHONE NO.: (408) 720-8300

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8/26/2004

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Send to: COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450

FEE TRANSMITTAL FOR FY 2004
(FY 2004 Begins 10/01/2003)

TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known:

Application No. 09/990,899
 Filing Date November 16, 2001
 First Named Inventor Bryant E. Bigbee
 Examiner Name Perveen, Rehana
 Art Unit 2116
 Attorney Docket No. 42390P12481

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account

Deposit Account Number: 02-2666

Deposit Account Name: _____

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

Credit any overpayments.

Charge any additional fees during the pendency of this application.

Any concurrent or future reply that requires a petition for extension of time should be treated as

incorporating an appropriate petition for extension of time and all required fees should be charged.

Charge fee(s) indicated below except for the filing fee.

FEE CALCULATION**1. BASIC FILING FEE****Large Entity Small Entity**

Fee	Fee	Fee	Fee Description
Code	(S)	Code	(S)
1001	7702001	385	Utility application filing fee
1002	3402002	170	Design application filing fee
1003	5302003	265	Plant filing fee
1004	7702004	385	Reissue filing fee
1005	1602005	80	Provisional application filing fee

Fee Paid

SUBTOTAL (1) \$ 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

<u>Extra Claims</u>			<u>Fee from below</u>	<u>Fee Paid</u>
Total Claims	<u>30</u>	<u>- 30** =</u>	<u>0</u>	X <u> </u> = <u> </u>
Independent Claims	<u>6</u>	<u>- 6** =</u>	<u>0</u>	X <u> </u> = <u> </u>
Multiple Dependent				<u> </u> = <u> </u>

**Or number previously paid, if greater; For Reissues, see below.

Large Entity Small Entity

Fee	Fee	Fee	Fee Description
Code	(S)	Code	(S)
1202	182202	9	Claims in excess of 20
1201	862201	43	Independent claims in excess of 3
1203	2902203	145	Multiple dependent claim, if not paid
1204	862204	43	**Reissue independent claims over original patent
1205	182205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$ 0

FEE CALCULATION (continued)

3. ADDITIONAL FEES

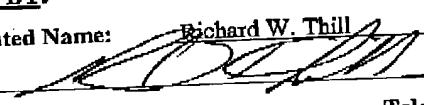
<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fee Paid</u>
Fee	Fee		
Code	Code		
1051	130	Surcharge - late filing fee or oath	
1052	50	Surcharge - late provisional filing fee or cover sheet	
1053	130	Non-English specification	
1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	Request for inter partes reexamination	
1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	Extension for reply within first month	
1252	420	Extension for reply within second month	
1253	950	Extension for reply within third month	
1254	1,480	Extension for reply within fourth month	
1255	2,010	Extension for reply within fifth month	
1401	330	Notice of Appeal	
1402	330	Filing a brief in support of an appeal	
1403	290	Request for oral hearing	
1451	1,510	Petition to institute a public use proceeding	
1452	110	Petition to revive - unavoidable	
1453	1,330	Petition to revive - unintentional	
1501	1,330	Utility issue fee (or reissue)	
1502	480	Design issue fee	
1503	640	Plant issue fee	
1460	130	Petitions to the Commissioner	
1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	Submission of Information Disclosure Stmt	
8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	110	Statutory Disclaimer	
1810	770	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	770	Request for Continued Examination (RCE)	
1802	900	Request for expedited examination of a design application	
1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	Publication fee for republication	
1803	130	Request for voluntary publication or republication	
1808	130	Processing fee under 37 CFR 1.17(l) (except provisionals)	
1454	1,330	Acceptance of unintentionally delayed claim for priority	

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (3) \$ 0

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Richard W. ThillSignature: Date: 8/26/04Reg. Number: 53,686Telephone Number: (408) 720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

-2-

Based on Form PTO/SB/17 (08-03) as modified by BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP on 09/30/03.

PAGE 5/24 * RCV'D AT 8/26/2004 4:40:43 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/4 * DNIS:8729306 * CSID:4087208383 * DURATION (mm:ss):06:52